INCIDENT SUMMARY

On January 6, 1994, at approximately 1638 hours, Deputies Donnie Johnson, #[redacted] and [redacted], #[redacted] assigned to Walnut Station, responded to the 7-11 store at the corner of Azusa Avenue and Gladstone Street regarding a call for service, tag #325.

The deputies contacted the informant, Witness [redacted], who told them she had been asleep inside her residence ([redacted] county area) when she was awakened by her [redacted] Suspect Daniel Scott Gizowski. [redacted] told the deputies that Gizowski had been released from prison two days prior and she did not want him at her house. [redacted] told deputies she was not sure how Gizowski got into her house, as all the doors were locked. She said she was in her bedroom when she saw Gizowski in the hallway.

Witness [redacted] said Suspect Gizowski was yelling "I want to eat your pussy and I want you to lick my asshole." She indicated Gizowski was acting very strange, as if he were on drugs, and that the suspect was coming toward her, while trying to take off his pants.

Witness [redacted] said the suspect did not touch her, however, she felt he was acting so strangely she believed he was going to try to rape her. She said she was in fear of her safety, so she fled the location and drove to the 7-11 store, where she called Walnut Station. The deputies then drove to [redacted]s house to contact the suspect.

Deputies Johnson and [redacted] entered the residence via the open front door and immediately noticed the interior of the house was dark, due to the electricity having been turned off. As they identified themselves and called to the suspect, they saw him slumped over a couch in the southeast room of the location. The deputies illuminated the suspect with their flashlights and saw that he was crying, sweating profusely and had a blank expression on his face. As the suspect stood up, the deputies could see that his pants were unbuttoned and open in the front.

Without looking at the deputies, the suspect said "[redacted] is dead, the baby is dead, just kill me, shoot me you mother fuckers, I wanna suck your dick." The deputies were attempting to communicate with the suspect and calm him down, by talking to him in a very low and calm voice. However, he continued to ramble statements about sexual acts and wanting them to kill him. As Deputy Johnson slowly approached the suspect and asked him to put his hands behind his back, the suspect suddenly lunged his hands behind the couch and said "I'll kill you, fuck me, I can't leave [redacted]."

Believing the suspect was possibly reaching for a weapon, the deputies retreated to a position of cover and ordered the suspect to raise his hands. The suspect did not comply with the order and the deputies requested several units assistance. The suspect then stood up and raised his fists while yelling several unintelligible statements about "[redacted]", sex and wanting the deputies to kill him.

The suspect then ran toward the deputies and as he did so, Deputy Johnson sprayed him with O.C. Pepper Spray. The suspect stopped, began to scream and then said, "Fuck you, that shit don't hurt, kill me, shoot me." The suspect then picked up a small table and numerous other pieces of furniture (ie: table, chair, lamp, glassware and books) and threw them at the deputies. The deputies remained in their places of cover, thereby avoiding being struck by these objects.

The suspect again ran toward the deputies and again Deputy Johnson sprayed him with O.C. Pepper

Spray, this time, emptying the entire canister on the suspect. This seemed to enrage the suspect, who grabbed a detached wooden door and threw it at the deputies. Once again the deputies were able to avoid being struck by this object.

Unit 296B, Deputies Michael Papp, #[redacted] and [redacted], #[redacted] arrived at the location in response to the assistance request. They entered the location and as the suspect continued to throw objects at the deputies, Deputy Johnson told Deputy [redacted] they were out of O.C. Pepper Spray and needed more to subdue the suspect. Deputy [redacted] then sprayed his entire canister of O.C. Pepper Spray on the suspect's face and chest. This action seemed to have no effect on the suspect, as he relentlessly continued to throw furniture and glassware at the deputies, while yelling obscenities and telling them to kill him.

Unit 295S, Sergeant Bradley F. Wright, #[redacted] arrived at the location armed with a taser gun. He entered the darkened house and after observing the suspect's behavior, took [redacted]s flashlight, shined it on the suspect and shot him with one set of taser darts. Wright said the darts appeared to make contact with the suspect's chest area as he energized the weapon. The suspect began to scream and growl, and several deputies said he lost his balance however, Wright said he does not believe the suspect fell to the floor.

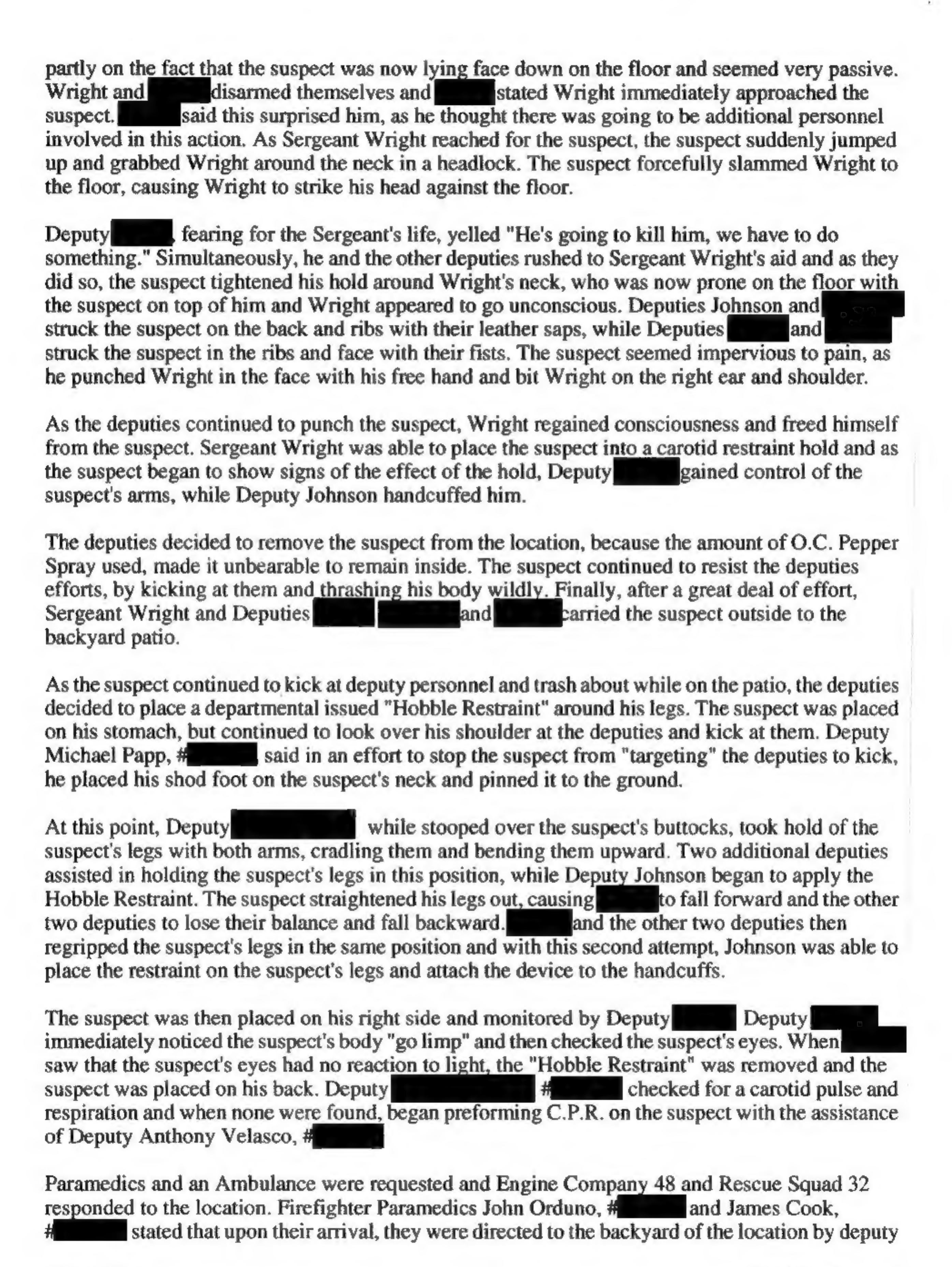
Sergeant Wright said he fired the second set of darts at the suspect and believes these made contact as well. He said the suspect did not fall to the ground as the weapon was energized a second time. Wright said the suspect did not appear to be affected by the taser and became more enraged. He said the suspect grabbed the wires which attach the taser cartridge to the weapon and began pulling on the wires. Wright said he felt the suspect was going to gain control of the taser, so he released the cartridges from the unit. Wright left the house to reload the taser and as he did so, the suspect resumed throwing objects at the deputies.

Unit 298B, Deputies [redacted] #[redacted] and Enrique Varela, #[redacted] arrived at the location and entered the house. Deputy [redacted] quickly assessed the situation and immediately sprayed his entire canister of O.C. Pepper Spray on the suspect. Once again, this action had no effect on the suspect, who continued to wildly throw objects at deputy personnel.

While maintaining cover to dodge the objects thrown by the suspect, deputies requested a canine unit and an "Arwen" rifle to help subdue the suspect, however, neither was available. Sergeant Wright then returned from his vehicle with a fully loaded taser gun. Wright discharged two additional cartridges into the suspect and energized the unit each time. Again, the suspect showed no signs of being affected by the taser and again pulled the wires attached to the gun, stating "Is this the best you got"? It was again necessary for Sergeant Wright to release the cartridges from the taser.

At this point, the entire interior of the house seemed to be saturated with the O.C. Pepper Spray, causing the deputy personnel to be overcome by its effects. It was necessary for all of the deputy personnel inside the house to periodically exit the house to get fresh air. On one such visit to his vehicle, Sergeant Wright retrieved a canister of "C.S. Mace". Wright sprayed the mace at the suspect, hitting him in the back and the hair, as the suspect retreated. Wright said this action had a negative impact on the vision of deputy personnel, as it caused tremendous tearing of the eyes. Wright said that once again, the suspect appeared unaffected by the mace.

Believing they had exhausted all available resources, short of using deadly force, Sergeant Wright and Deputy [redacted] decided to subdue the suspect using sheer body weight. This decision was based



partly on the fact that the suspect was now lying face down on the floor and seemed very passive. Wright and [redacted] disarmed themselves and [redacted] stated Wright immediately approached the suspect. [redacted] said this surprised him, as he thought there was going to be additional personnel involved in this action. As Sergeant Wright reached for the suspect, the suspect suddenly jumped up and grabbed Wright around the neck in a headlock. The suspect forcefully slammed Wright to the floor, causing Wright to strike his head against the floor.

Deputy [redacted] fearing for the Sergeant's life, yelled "He's going to kill him, we have to do something." Simultaneously, he and the other deputies rushed to Sergeant Wright's aid and as they did so, the suspect tightened his hold around Wright's neck, who was now prone on the floor with the suspect on top of him and Wright appeared to go unconscious. Deputies Johnson and [redacted] struck the suspect on the back and ribs with their leather saps, while Deputies [redacted] and [redacted] struck the suspect in the ribs and face with their fists. The suspect seemed impervious to pain, as he punched Wright in the face with his free hand and bit Wright on the right ear and shoulder.

As the deputies continued to punch the suspect, Wright regained consciousness and freed himself from the suspect. Sergeant Wright was able to place the suspect into a carotid restraint hold and as the suspect began to show signs of the effect of the hold, Deputy [redacted] gained control of the suspect's arms, while Deputy Johnson handcuffed him.

The deputies decided to remove the suspect from the location, because the amount of O.C. Pepper Spray used, made it unbearable to remain inside. The suspect continued to resist the deputies efforts, by kicking at them and thrashing his body wildly. Finally, after a great deal of effort, Sergeant Wright and Deputies [redacted] [redacted] and [redacted] carried the suspect outside to the backyard patio.

As the suspect continued to kick at deputy personnel and trash about while on the patio, the deputies decided to place a departmental issued "Hobble Restraint" around his legs. The suspect was placed on his stomach, but continued to look over his shoulder at the deputies and kick at them. Deputy Michael Papp, #[redacted] said in an effort to stop the suspect from "targeting" the deputies to kick, he placed his shod foot on the suspect's neck and pinned it to the ground.

At this point, Deputy [redacted] while stooped over the suspect's buttocks, took hold of the suspect's legs with both arms, cradling them and bending them upward. Two additional deputies assisted in holding the suspect's legs in this position, while Deputy Johnson began to apply the Hobble Restraint. The suspect straightened his legs out, causing [redacted] to fall forward and the other two deputies to lose their balance and fall backward. [redacted] and the other two deputies then regripped the suspect's legs in the same position and with this second attempt, Johnson was able to place the restraint on the suspect's legs and attach the device to the handcuffs.

The suspect was then placed on his right side and monitored by Deputy [redacted] Deputy [redacted] immediately noticed the suspect's body "go limp" and then checked the suspect's eyes. When [redacted] saw that the suspect's eyes had no reaction to light, the "Hobble Restraint" was removed and the suspect was placed on his back. Deputy [redacted] #[redacted] checked for a carotid pulse and respiration and when none were found, began preforming C.P.R. on the suspect with the assistance of Deputy Anthony Velasco, #[redacted]

Paramedics and an Ambulance were requested and Engine Company 48 and Rescue Squad 32 responded to the location. Firefighter Paramedics John Orduno, #[redacted] and James Cook, #[redacted] stated that upon their arrival, they were directed to the backyard of the location by deputy

personnel.

Witness Cook said as he approached the suspect, he saw that he was laying on his back, near the back door of the location and that two deputies were preforming C.P.R. on him. Cook said that due to the heavy odor of O.C. Pepper Spray emitting from the immediate area, he and others moved the suspect further out in the open area of the yard. Cook said an I.V. was started and upon checking the suspect, he noticed no pulse, no respiration and no reaction by the suspect's pupils to light.

Witness Cook said he attempted to install an endotracheal tube in the suspect's airway, but was unsuccessful. He said he had already taken over the C.P.R. duties from deputies and he continued this, along with the administration of certain drugs. Witness Cook said the suspect appeared to be in a state of full cardiac arrest. He said the heart monitor which he had hooked up to the suspect indicated some electrical rhythm, but then would switch to a "Flatline" status. He said the scope alternated between these two areas several times. Cook added that there were no real signs of heartbeat, but rather electrical impulses only.

Witness Orduno said he did not attend to the suspect, but rather contacted the deputy personnel to obtain details of the incident. He said he also contacted their "Base Hospital", which is Queen of The Valley and relayed information about the patient to them. He said this is done to assist them in their treatment of patients. Orduno said he, like Cook, made some comments in the "Comments Section" of the E.M.S. report, which they jointly filled out on this incident.

The suspect was subsequently transported by Crippen Ambulance to Glendora Community Hospital. Witness Cook said that during the transportation, he continued to perform C.P.R. on the suspect.

The suspect was attended to by Doctor George A. Magallon, M.D. and emergency room staff. Witness Magallon stated he was notified of the pending arrival of the suspect, who was described as being in a state of full cardiac arrest. Magallon said he heard the ambulance arrive at the hospital and upon looking out the window, he saw paramedics performing C.P.R. on the suspect.

Witness Magallon said during his initial assessment of the suspect, he noticed the suspect was cyanotic about the upper shoulders, head and neck area. His pupils were widely dilated, fixed, glazed and showed no response to light. Witness Magallon said he noticed blood on the suspect's face and mouth, however, he was unable to determine where the blood came from.

Witness Magallon said x-rays were taken of the suspect and showed no trauma to the chest, heart, or neck. He said he did note some swelling between the esophagus and spine in the area of the trachea. He said this swelling is consistent with the application of the carotid restraint hold and also consistent with intubation process.

Witness Magallon said the emergency room protocol (ACLS) was followed and all attempts to save the suspect failed. He indicated he and the emergency room staff worked on the suspect for approximately 45-60 minutes, however, they were unable to save the suspect's life and he was subsequently pronounced dead by Witness Magallon.

Witness Magallon said toxicology test were performed on the suspect and the tests proved positive for the presents of Amphetamines in the suspect's system.

The suspect's remains were subsequently released to the Los Angeles County Coroner's Office.

Sergeant Wright, along with Deputies [redacted], [redacted], and Johnson were transported to San Dimas Community Hospital, where they were treated for their injuries by Doctor Hosta. (See Exhibit B).